

EXHIBIT A

3790-2

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3 IN RE: JUUL LABS, INC.,) CASE NO.
4 MARKETING, SALES PRACTICES,)
5 AND PRODUCTS LIABILITY) 3:19-MD-02913 WHO
LITIGATION)
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16 VIDEOTAPED DEPOSITION OF MADELINE CHO

17 Yonkers, New York

18 Friday, October 21, 2022
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24 Reported by:
MICHELLE COX
25 JOB NO. 218678

1 Q So just to make sure the record is clear
2 as to the timeline, you attended your freshman
3 year at Kamiak High School in Washington state;
4 is that right?

5 A Yes.

6 Q And then during the summer after your
7 freshman year at Kamiak High School, you chose
8 to move to San Francisco; is that right?

9 A Yes.

10 Q And after you moved to San Francisco, you
11 started attending George Washington High
12 School; is that right?

13 A Yes.

14 Q And so you started attending George
15 Washington High School in the fall of 2018,
16 correct?

17 A Yes.

18 Q And you attended George Washington High
19 School for in-person instruction from the fall
20 of 2018 until March of 2020, correct?

21 A Yes.

22 Q And in March of 2020, George Washington
23 High School switched to remote learning in
24 response to the COVID-19 pandemic, right?

25 A Yes.

1 Q And you continued remote learning for the
2 remainder of your time at George Washington
3 High School, correct?

4 A Yes.

5 Q And you graduated from George Washington
6 High School in 2021, right?

7 A Yes.

8 Q In what month did you graduate?

9 A I believe, June.

10 Q June 2021 is when you recall graduating,
11 correct?

12 A Yes.

13 MR. YOUNG: Can I get a time check?

14 THE VIDEOGRAPHER: It is 9:17.

15 Do you want to know how long you've been
16 on or --

17 MR. YOUNG: Nope. That's good. Thank
18 you.

19 Q Did you visit George Washington High
20 School before attending as a student?

21 A Yes, I did.

22 Q When did you visit it?

23 A I visited briefly, I believe, a couple of
24 weeks before or around the time that I was
25 applying to the district's transfer lottery.

1 George Washington High School may have first
2 used combustible cigarettes before using JUULs,
3 correct?

4 MR. CUTLER: Object to form; foundation.

5 A I never saw students using combustible
6 cigarettes on campus, but I don't know for
7 absolute certain.

8 Q And that's because prior to attending
9 George Washington High School you didn't -- you
10 don't have firsthand knowledge of what students
11 were doing or not doing, right?

12 A Yes.

13 Q Let's look at Paragraph 11 of your
14 declaration, which starts on Page 3 at Line 16.

15 The first sentence says, "I did not smoke
16 or use e-cigarettes or vaping devices during my
17 time at GWHS. However, I have friends that use
18 JUUL that have been unable to quit."

19 Did I read that correctly?

20 A Yes.

21 Q Who are the friends who have used JUUL
22 that have been unable to quit?

23 A From high school I had a friend named
24 Lily, who to my knowledge, still uses nicotine
25 vaping devices, as well as a few other people

1 who I cannot say for sure but assume.

2 And then at Sarah Lawrence College, I'm
3 friends with quite a few people who began
4 vaping in high school and have told me that
5 they started with JUUL and now have
6 transitioned to still using nicotine vaping
7 devices or switched to combustible cigarettes.

8 Q All right. Let's unpack that and let's
9 start with Lily.

10 So Lily was a friend of yours at George
11 Washington High School; is that right?

12 A Yes.

13 Q At the -- when did you meet Lily?

14 A My sophomore year.

15 Q At the time you met Lily, was she using
16 vaping devices?

17 A Yes.

18 Q Do you know one way -- do you
19 know -- strike that.

20 Do you have knowledge of when Lily started
21 using vaping devices?

22 A No.

23 Q Do you have knowledge of the first vaping
24 device that Lily used?

25 A No.

1 Washington High School.

2 But I believe that in the area around the
3 school there were corner stores, liquor stores
4 or -- or smoke shops that were illegally
5 selling these products to underaged students.

6 Q Okay. Let's start with the student who
7 was dealing pods on campus.

8 What is the name of the student who was
9 dealing pods on campus during your sophomore
10 year at George Washington High School?

11 MR. CUTLER: Object to form.

12 A I don't recall. I only recall hearing
13 that that was a way that people were getting
14 it.

15 Q So you heard secondhand that there was a
16 student who was dealing pods at George
17 Washington High School; is that right?

18 A I heard secondhand that somebody's older
19 sibling, I think, was dealing pods to students.

20 Q Was this person dealing JUUL pods to
21 students?

22 A Yes.

23 Q Was this person dealing other brands of
24 pods to students as well?

25 A I'm not sure, though, I'm aware that they

1 were also dealing illegal drugs to students.

2 Q Do you know one way or another whether
3 Lily ever acquired pods from this student?

4 A No.

5 Q Now, you also mentioned stores around
6 campus that would illegally sale-- strike that.

7 You mentioned stores around campus that
8 would illegally sell pods to students; is that
9 right?

10 A Yes.

11 Q What are the names of the stores -- strike
12 that.

13 What is the source of your knowledge that
14 these stores would sell pods to students?

15 A I heard secondhand from students who were
16 using these devices that they knew of stores
17 near where they lived that did not card
18 students.

19 Q Do you know the names of any of these
20 stores?

21 A No.

22 Q Were you ever present with any students at
23 any store where they attempted to purchase
24 e-cigarette products?

25 A No.

1 A Most of them, although I observed several
2 times students taking apart their JUUL pods and
3 refilling them with something off brand.

4 Q Let's take that apart for a moment.

5 What is the basis for your knowledge that
6 most of the time students were using JUUL pods
7 manufactured by JUUL Labs?

8 A I, on campus, would frequently see pods
9 and also discarded JUUL brand boxes sort of
10 littered around campus.

11 Q So when you say that students were mostly
12 using pods manufactured by JUUL Labs in their
13 JUUL devices, are you relying on the litter
14 that you saw around campus?

15 MR. CUTLER: Object to form.

16 A Not completely, no.

17 Q What else are you relying on, other than
18 the litter?

19 A From my experience, I remember students
20 talking about buying the pods. And from my
21 vague memory of those conversations I would
22 assume, I think, fairly safely that, most of
23 the time, they were using JUUL manufactured
24 products.

25 Q So for your statement that most of the

1 one hour and one minute.

2 MR. YOUNG: Wow. I'm good. Let's take a
3 break.

4 THE VIDEOGRAPHER: Going -- going off the
5 record at 12:12 p.m.

6 (Recess taken.)

7 THE VIDEOGRAPHER: We are back on the
8 record at 12:32 p.m.

9 BY MR. YOUNG:

10 Q Hello, again, Ms. Cho. We've made it to
11 the afternoon.

12 Let's look at Paragraph 8 of your
13 declaration, which is on Page 3 beginning on
14 line three.

15 And it reads: "In my experience students
16 at GWHS did not think of e-cigarettes like JUUL
17 as being very harmful. Many considered JUUL to
18 be significantly less harmful than cigarettes."

19 Did I read that correctly?

20 A Yes.

21 Q What is the basis for the statement that
22 "students at GWHS did not think of e-cigarettes
23 like JUUL as being very harmful"?

24 A I remember the students would often
25 justify their use as, you know, oh, it's --

1 well, it's not as bad as cigarettes. Or I
2 heard a lot of claims that, like, yeah, I know
3 it's not the best, but, like, it's not that
4 bad. It's just vapor. Like it's not actually
5 smoke, there's no tar in it.

6 And I think that they sort of -- there was
7 a general air kind of scoffing a little bit at
8 some of the sensationalized, sort of anti-vape
9 horror stories passed around on the Internet
10 and the news and such.

11 Q So you're basing this opinion on what you
12 heard other students at George Washington High
13 School say, right?

14 A Yes.

15 Q And you mentioned anti-vape horror
16 stories.

17 Did you think -- do you personally believe
18 that certain anti-vapor rhetoric is hyped up or
19 sensationalized?

20 MR. CUTLER: Objection to form;
21 foundation.

22 A I believe that any -- anything similar to
23 that is sort of similar to news stories about
24 alcohol incidents at like colleges for, like,
25 hazing or the dangers of cigarettes and -- and

1 contained nicotine?

2 A Yes.

3 Q And is it your understanding that they
4 knew that nicotine is addictive?

5 A Yes.

6 Q You also mentioned intense usage, what is
7 the basis for your opinion that intense usage
8 of JUUL could be harmful?

9 A I witnessed students at my school using
10 JUUL and other vape devices very heavily,
11 particularly in the morning, either on the way
12 to school, in the bathroom before your very
13 first classes or like in -- in classes. And in
14 the mornings you would often see groups of
15 students going into the bathroom or a stairwell
16 to vape together.

17 People would often report and talk about
18 to each other getting "nic sick," which was
19 when they vaped or JUULed so much that it gave
20 them a headache or upset their stomach and
21 maybe even created an accelerated, very urgent
22 bowel moment.

23 Q And so when you say that intense usage
24 could be harmful, you're basing it on your
25 observations of other people's e-cigarettes